

Fair; Warmer Tonight and Saturday.

NUMBER 6355.

# The Washington Times

WASHINGTON, FRIDAY EVENING, MAY 28, 1909.

LAST EDITION

PRICE ONE CENT.

## KING'S COLORS GO DOWN TO DEFEAT AT EPSOM DOWNS

Perola Wins Classic Oaks. Edward's Princess de Galles Runs Second.

## FAVORITE ELECTRA LEFT AT THE POST

Great Crowd Disappointed When Royal Filly Fails to Secure Victory.

EPSOM, England, May 28.—The King's colors went down to defeat in the Oaks this afternoon, when the Princess de Galles, the second betting favorite, finished second to W. C. Cooper's Perola, ridden by F. Wooten. J. B. Joel's Verne, ridden by Wal Griggs, was third. Electra, the favorite, was left at the post.

Fourteen horses started and the scene was fully as brilliant as on Derby day. Today, however, was ideal, the sun shining brightly, although the course was still heavy. Perola won rather easily at the end by two lengths, with the same distance between the second and third filies. There was a general disappointment over the defeat of the royal filly by an outsider, but his majesty showed the greatest composure, by sending for Cooper and congratulating him.

**Perola's Victory Unexpected.**  
Perola's victory was unexpected to all but her owner, as she had shown practically nothing as a two-year-old. Turning into the stretch the King's colors were seen on the rail in front place, less than a length back of the leader, and there was a loud cry of exultation, as it was believed the known gameness of the royal filly would give her the race. But Perola, with great strides, came on to a magnificent victory. The crowd colors passed the winning post in absolute silence, owing to the great disappointment that King Edward had been denied the opportunity of a twin triumph in the Derby and in the Oaks.

The betting was 5 to 1 against the winner, 11 to 1 against the King's filly, and 25 to 1 against Verne. Electra went to the post at odds of 5 to 4 on, but was standing with her rump facing the barrier when it was sprung and was not sent after her friend.

**Rivalry Derby Day Crowd.**  
Rivalry in point of numbers, so far as the stands were concerned, the Derby Day crowd, and with the big inclosures filled to the point of suffocation, it was plain early that today's attendance at witness the running of the classic Oaks, the blue ribbon event for the three-year-old fillies, would be record breaking. The crowd began to gather early, and long before noon there was no room to be had at any of the points of vantage near the finish.

The weather was fine, with the result that many of the coaching parties of nobles, who had abandoned their trip Wednesday and made it by train today, came to the course in drags, coaches, and vehicles of all kinds. The display of automobiles was the best that England has ever seen in a public place, the metropolis brushing mud guards with the high powered and equally high priced car of semiroyalty.

One reason for the interest in today's event was that the crowd came prepared for another patriotic outburst, as hundreds of the horsemen conceded the race to the royal filly, the Princess de Galles, daughter of the mighty Gallinule, and the uncertain Electra was the betting favorite. The filly had worked well for the race and was to have the benefit of the excellent handling of Jones.

**American Horses Scratched.**  
The Oaks is worth \$50,000 to the winner and is run over the Derby course. The most dangerous opponent of the King's filly was believed to be L. Neumann's Electra, by Eager, dam Sirenia. The latter won the One Thousand Guineas at Newmarket by the narrowest of margins from the King's three-year-old. Since then Electra has been doing well.

William Waldorf Astor had a representative in the race, with a good record. Third Trick, by William the Third, sire of the horse that finished third in the Derby.

All of the Keene, Whitney and Mudd entries, which had been expected to have shown enough class to warrant paying the ten sovereigns starting fee, which the filly had demanded. The race was a disappointment to the American contingent, but most of them were on hand to witness the running.

Richard Croker's big filly, Alabama, is well backed in the classic and her owner came from America. Specially to see her run, but she has been coughing lately and her trainer did not deem it wise to take the chance of starting her. This was a disappointment to her owner.

## WEATHER REPORT.

Under the influence of the storm area that covers the Northeastern States, showers occurred within the last twenty-four hours in all districts east of the Mississippi river. There were thunderstorms in the South Atlantic and Gulf States, the Middle Atlantic States, and the upper Ohio valley.

**TEMPERATURES.**  
8 a. m. 68  
9 a. m. 72  
10 a. m. 74  
11 a. m. 76  
Noon 78  
1 p. m. 80  
2 p. m. 82

**SUN TABLE.**  
Sun rises 4:37  
Sun sets 7:17

**TIDE TABLE.**  
Today—High tide, 3 a. m. and 3:28 p. m.  
Low tide, 9:45 a. m. and 9:55 p. m.  
Tomorrow—High tide, 3:50 a. m. and 4:20 p. m.  
Low tide, 10:37 a. m. and 10:45 p. m.

**HARPER'S FERRY, W. Va., May 28.**  
—Both rivers muddy this morning.

**\$1.25 To Baltimore and Return.**  
Saturdays and Sundays via Pennsylvania Railroad. Tickets good returning until Sunday night. All regular fares except the "Congressional Limited."

## MAY TRY TO PROVE SMITH IS MURDERER

Attorneys for Calvin Johnson, on Trial for Schultz Killing, Expected to Charge That Witness Committed Crime and Implicated Others.

Whether the confession by Henry Smith of the murder of Walter F. Schultz near Alexandria, March 6, was made through fear that he had been identified as the negro seen with a white stranger on the day before the killing, is a question which the jury hearing the evidence against Calvin Johnson, one of Smith's alleged accomplices, had placed before it this morning in the corporation court at Alexandria.

Smith made his confession on Sunday afternoon, one week after the murder. Sunday morning he was confronted by Motorman Rittenour, of the Washington, Alexandria and Mt. Vernon railroad, who had seen a negro and a drunken white man on his train Friday, March 5, and had seen them leave the cars separately at St. Elmo. The motorman, who knows Smith, said he thought that this negro was Smith, but when he saw him at the police station he could not be positive. Smith did not know that Rittenour had failed to identify him, however, and it was only an hour or so afterward that he sent for Chief Goods and made the confession on which the Commonwealth rests its case.

Throughout the trial of Johnson the defense has sought to prove that the murder was committed earlier than is claimed by the prosecution. The defense has also shown that Smith bore a most evil reputation. While the statement has not yet been made in court, it is understood that Johnson's lawyers will argue that Smith committed the murder himself and carried the body to the field where it was found and then tried to implicate the others.

Commonwealth Attorney Brent continued his testimony in rebuttal during the morning session of the trial. Conductor Perdis, of the Southern Railway, was recalled to the stand and again testified as to seeing a body in the field where the tragedy occurred at 3:15 in the afternoon of March 6. He said that he told Ticket Agent McDonald that he had seen the body. Mr. McDonald was called to the stand and testified that Pervis had told him that he had seen something in the field but had not told him that he had seen a body.

George Rector, Thomas Cole, Thomas Lane, James Rich, Leonard Carter, and Ed Green were all called to the stand to rebut the testimony of Dick Pervis, who was examined yesterday. They did not make any material change in Pervis's statement, although they differed in some minor details.

Chief Goods was then recalled to the stand to testify as to the character of Johnson. The Commonwealth attorney endeavored to show Johnson's police record was bad. During the course of Chief Goods' testimony mention was made of Smith, and when the witness was turned over to the defendant's attorneys he was put through a rigid cross

(Continued on Eighth Page.)

## MISS MARTIN WINS SALARY TEST CASE

Court's Decision, Concerning Accrued Pay, Affects All Teachers.

A decision today, awarding Jennie T. Martin, a teacher in the public schools, \$600 accrued salary, and which is regarded as vitally affecting similar claims of more than 200 teachers, was made by Justice Stafford, who differs with Comptroller Tracewell, of the Treasury, in the construction of the act of Congress of May, 1906.

The case, which was made as a test, was decided in favor of Miss Martin, after an agreed statement of facts had been submitted by A. F. Worthington, counsel for the teacher.

Miss Martin was appointed a probationary teacher September 1, 1907, and made a teacher of the first class one year later. At the time the act raising the teachers' salaries was passed, which provided for the increase of the salaries of teachers "hereafter employed," Miss Martin was already an instructor. She was therefore considered ineligible for the increase by Mr. Tracewell, who construed the words "hereafter employed" to mean "hereafter appointed." Miss Martin, therefore, entered suit for \$600, the difference between the salary paid her and what she believed she should have, and Justice Stafford construed the act as affecting all teachers in the public schools, who continued in service after the act was passed.

**WOMEN STUDENTS HAZED IN COLLEGE**  
Made to Dance and Deliver Speeches Until Matron Is Aroused.

INDIANAPOLIS, May 28.—Five young women, who entered Butler University for the summer course, were captured by older students, and compelled to go through various stunts on the top floor of the dormitory.

They were compelled to slide down banisters, dance jigs in bare feet, mount to the top of a wardrobe and make speeches, give first impressions of the university and tell how much they admired the older girls of the institution. The high and broad jump in bare feet, the concluding act, aroused the matron, who routed the hazers.

## HIGH SCHOOL BOYS FIGHT FOR COLORS

BLOOMSBURG, Pa., May 28.—In a fight between the sophomore and freshmen classes of the high school to determine whose colors would decorate the sash, books and missiles of every description were thrown by the warring students, and a number of them were badly battered. The sophomores won. The faculty will stop class fights in the future.

## TOMORROW LAST DAY TO PAY YOUR TAXES

As Monday Is a Holiday, Any One Assessed Must Visit Municipal Building Saturday.

Any person who is assessed in the District and who hasn't been down to the Municipal building to settle had better hurry, because owing to the fact that Monday is to be a holiday the last day for paying this year's taxes is tomorrow, Saturday. Taxpayers who wait beyond tomorrow will go on the delinquent list and be compelled to pay a penalty.

**New Time Tables.**  
New time tables will be adopted by the Pennsylvania Railroad on Sunday, May 30; copies may be obtained of ticket agents on and after May 28.—Adv.

## SUGAR TRUST FIGHT BUT BATTLE BEGUN

Attack on Tariff Joker in Senate Yesterday Just a Skirmish.

## KANSAN VINDICATES STAND TAKEN BY HIM

Calls Attention to Rise of Company's Stock—Has Article Read.

By J. C. WELLIVER.

The fight against the Sugar Trust's tariff joker is not ended, despite the defeat of yesterday afternoon. On the other hand, the struggle of yesterday is regarded as merely a skirmish. The real battle is to come when the bill comes into the Senate. Senator Bristow, leader of the fight, announced to the Senate today that he would renew the assault when the bill is before the Senate, and then consented that the paragraph involving this amendment be accepted.

There was a sensational incident when the long and lank Kansan with the fighting face and the gestures of a windmill got up and announced that he has a vindication of his position already provided.

"I desire simply to make the statement," he said, "that yesterday afternoon, immediately following the vote in this body by which the color standard of sugar testing was retained, stock in the American Sugar Refining Company went up 5 points on the market."

"I call attention to this incident because it is illuminating as to the question of who is interested in and would be benefited by the dropping of the Dutch standard."

Senator Bristow then sent to the desk an article, which he asked to have read, concerning the capitalization of the American Sugar Refining Company, the trust. It set forth the facts as to the present inflated capital, and traced it from a modest beginning. The trust had about \$1,000,000 worth of property in refineries when it was first organized. Its property acquisitions have been unimportant compared with its increase in capital; the capital represents in the main the monopolistic power to control the sugar market.

The Senator next sent up an article from the Wall Street Journal, and had it read. The article set forth that his recent custom house frauds in sugar in New York present a situation in which it is absolutely necessary that determination be reached as to the identity and responsibility of the men higher up.

It was set forth that there are still in the directorate of the American Sugar Refining Company five men who were selected during all or a part of the time when the custom house frauds were in progress. It declared that it is inconceivable that this elaborate scheme to defraud the Government for the benefit of the trust was organized and skillfully carried out for many years by men who are still in the trust.

It took the four about five minutes to collect all the money in the place. They then backed out of the door, commanding the persons in the restaurant to remain ten minutes. Several men in the cafe rushed to the nearest police station. The reserves turned out, but found no one in the neighborhood that they could connect with the crime.

Several persons in the restaurant claim that they recognized the robbers as members of "Chick Tucker's" gang, which is the wild successor to the band led by "Humpty Jackson."

**Public Not Fooled.**  
The public is not innocent enough to imagine that this whole scheme of fraud does not reach up to somebody whose brain conceived it and whose authority was sufficient to authorize it.

With the conclusion of the reading of the article, Senator Bristow said: "I suppose the Senate had had about all the sugar discussion it wants, for the present, at least. I shall, therefore, offer no more amendments at this time; but when this paragraph comes before the Senate, I shall again press my amendments of yesterday, and hope that I will be able to present evidence which will leave no doubt as to where lie the merits and what are the interests in this matter."

Senator Bristow then presented an amendment to reduce the duty on refined sugar to 1 cent per pound. In favoring this amendment he made a speech in which he alluded in a highly commendatory way to the articles that have from time to time appeared in the Washington Times on the sugar question.

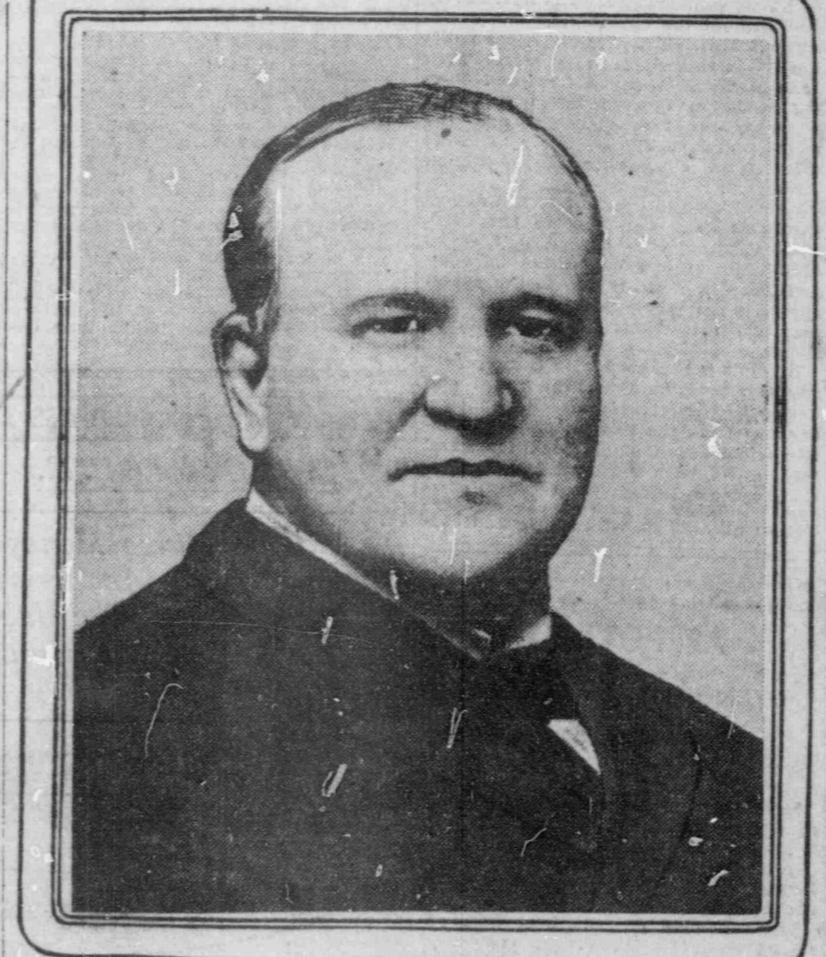
**MAIL TRAIN IS MOVED IN THE GEORGIA STRIKE**  
Engineers Reach Agreement With Management of Road, and Union Driver Takes Colored Fireman in Cab—Strikers Are Ignored.

ATLANTA, Ga., May 28.—The first train to move over the Georgia Central system since last Sunday, pulled out of the Union Station, this morning en route to Augusta. It was made up of an engine and a mail car, loaded to the roof with mail matter that has been held in the local postoffice, which was in charge of Postoffice Inspector Baner and a force of clerks.

In the cab of the engine was a negro engineer and a negro fireman, while several local newspaper men were carried with the consent of the authorities. Although there was a big crowd gathered about the station when the train pulled out, including many of the striking firemen, there was no disorder.

The mail train went out, following an agreement between General Manager Scott, of the Georgia Central, and Chief

## PLEADS FOR FARMERS



SENATOR WILLIAM O. BRADLEY.

## INDICTS WILLARD FOR KILLING BECK

Grand Jury Holds Man Who Shot His Own Son-in-Law.

Albert H. Willard, who, it is claimed, while temperately unbalanced by the marriage of his fifteen-year-old daughter Dorothy to Irving W. Beck, shot and killed the child's husband May 6 last, was today indicted by the grand jury for murder in the first degree.

District Attorney Baker this morning declared that he would use every effort to obtain for Willard a speedy trial, and that the case will probably be called before the second session of June. Temporary insanity and the unwritten law will be interposed as a defense for Willard for Attorney Thomas C. Taylor.

Willard does not deny the killing. A few weeks after his daughter's marriage in April, Willard asked Beck where the child had been taken. Beck refused to divulge the whereabouts of the child. On the morning of May 6 Willard entered the grocery store conducted by Beck at 200 N. street southeast and shot him down.

The indictment alleges two mortal wounds were inflicted upon Beck in the right chest and the other in the left side below the ribs, which penetrated the liver.

**Other Indictments.**  
Among the other indictments returned today is a charge of housebreaking against Joseph Arthur, the negro who is accused of having assaulted, choked, and beaten Mrs. Irene Swope, in her home, 1334 New Jersey avenue, about ten days ago. Mrs. Swope went into her dining-room about 8:30 o'clock in the evening, and the negro entered from behind the door, grasped her by the throat, beat her, and escaped. Arthur was arrested and positively identified by Mrs. Swope, who saw her assailant by the light of the hall lamp.

A similar charge is brought against Charles Harris, alias Lee, who is accused of having broken into the home of Representative Chapman, 1834 Columbia road, April 18 last, and having stolen jewelry and clothing to the value of \$100.

## STEAMSHIP PEOPLE CHARGE CONSPIRACY

Accuse White Pass and Yukon Route of Trying to Drive Them Out of Business.

A complaint was filed before the Interstate Commerce Commission today by the Humboldt Steamship Company, of California, against the White Pass and Yukon route, consisting of the Pacific and Arctic Railroad and Navigation Company, the British Columbia-Yukon Railroad Company, and the British-Yukon Navigation Company.

The complainant charges that through the discontinuance of a through route and joint rates, the defendants had conspired with the Pacific Coast Steamship Company and the Alaska Steamship Company to drive it out of business.

**SALOONISTS UPHOLD LAW.**  
ATLANTIC CITY, May 28.—Members of the Royal Arch Association of Saloonkeepers and Hotelmen issued an order today that all its members shall comply with the new law which compels taking down of special beer or liquor signs outside of bars or cafes before July 4. The Arch also decided to take a hand in prosecution of all liquor men outside the association who shall make any attempt to evade the law.

\$2.00 to Gettysburg or Pen-Mar and return, Memorial Day, May 31, via Pennsylvania Railroad. Special train leaves Washington 8:36 a. m., returning leave Pen-Mar 6:00 p. m., Gettysburg, 6:10 p. m.—Adv.

## \$75,000,000 ESTATE OF HENRY H. ROGERS LEFT TO HIS FAMILY

With Exception of \$100,000 'Will Contains No Charitable Requests.

## PROPERTY DIVIDED INTO FOUR PARTS

Trustees of Virginian Railway Asked to Make H. H. Rogers, Jr., President.

NEW YORK, May 28.—With the exception of a \$100,000 fund, the income of which is for the use of the primary and grammar schools of his native town of Fair Haven, N. J., the will of Henry H. Rogers, who died at 82, is stated to be worth nearly \$75,000,000. No provision for charitable or educational causes.

The will filed for probate was not surprising. In this respect, however, as it was hinted at the time of Rogers' death that practically the whole of his vast fortune would go to his immediate family.

Aside from a few minor bequests, chief of which is the creation of a fund from which the widow is to receive an annuity of \$100,000 the estate is divided into four parts, one for each of the children. The residence, stables, horses and automobiles are left to the widow. A trust fund of not less than \$2,500,000 nor more than \$3,000,000 is created to provide for the widow's annuity.

**Goes Back To Estate.**  
Upon her death, the property of which she has the use and her trust fund become part of the residuary estate.

The Fair Haven, Mass., home of the testator is given to the son, Henry H. Rogers, Jr.

Various trust funds, ranging from \$10,000 to \$200,000, and aggregating \$2,000,000 are created for the benefit of relatives. The income from these trusts is to be paid to the beneficiaries during their lives, and on their death the principal of the trust reverts to the residuary estate.

A bequest of \$100,000 is given to Fair Haven as a permanent fund, the income from which is to go to the primary and grammar schools of the town.

**Into Four Trusts.**  
After providing for the bequests, the residuary estate is divided into four trusts, for the benefit of each of his children. As the children attain the age of forty years they are each to receive one-half of the principal of the trust for their benefit, the other half to be held in trust during their lives. But the children are each given the power to dispose of their trust by their last will and testament, and in default of such disposition, the principal of the trust goes to the residuary estate.

The executors of the will are the testator's son, H. H. Rogers, Jr., John W. Sterling, Jr., and the trustees of the Farmers Loan and Trust Company, of New York.

The petition states that the value of real and personal property is more than \$10,000 each.

In his will Rogers asks the trustees to make his son president of the Virginian railway, and his son-in-law, Urban B. Clark, chairman of the board of directors.

## OPERATION DENIED BY ENRICO CARUSO

Tenor Declares Stories About His Failing Voice Spread by Rivals.

LONDON, May 28.—Enrico Caruso, the tenor, today telegraphed his representatives in London, where he is to sing in August, emphatically denying that an operation had been performed on his throat in a Milan hospital, or that one is contemplated.

Caruso repeated his charge that the stories of his failing voice, due to a serious throat affection, are being spread by jealous rivals. He says he is suffering only from fatigue and the inevitable consequences of a hard season. He admitted that he had been in consultation with a throat specialist, but said it was merely for the purpose of receiving instructions as to the care of his voice.

"I will fill all of my engagements both in London and New York," the message concluded.

**NAVY COMPLAINS OF FREIGHT CHARGE**  
Department Invokes Railroad Rate Law to Have \$17.40 Refunded.

Uncle Sam today invoked the railroad rate law in his own behalf.